

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:16-mj-00481-PK-1**

Case title: USA v. Yao

Date Filed: 05/20/2016

Assigned to: Magistrate Judge
Peggy Kuo

Defendant (1)

Ke Yao

represented by **Margaret M. Shalley**
Fasulo, Shalley & DiMaggio, LLP
225 Broadway
Suite 715
New York, NY 10007
212-571-2670
Fax: 212-566-8165
Email: margaretshalley@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Disposition

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Disposition

Complaints

18:1343.F,

Disposition

Plaintiff

USA

Date Filed	#	Page	Docket Text
05/20/2016	<u>1</u>	3	RULE 40 AFFIDAVIT by USA as to Ke Yao (Sica, Michele) (Entered: 05/23/2016)
05/20/2016		14	Arrest (Rule 40) of Ke Yao (Sica, Michele) (Entered: 05/23/2016)
05/20/2016	<u>3</u>	16	CJA 23 Financial Affidavit by Ke Yao (Sica, Michele) (Entered: 05/23/2016)
05/20/2016	<u>4</u>	17	ORDER Setting Conditions of Release as to Ke Yao (1) 50,000. Ordered by Magistrate Judge Peggy Kuo on 5/20/2016. (Sica, Michele) (Entered: 05/23/2016)
05/20/2016	<u>5</u>	18	WAIVER of Rule 5(c)(3) Hearing by Ke Yao (Sica, Michele) (Entered: 05/23/2016)
05/20/2016	<u>6</u>	19	CJA 20 as to Ke Yao: Appointment of Attorney Margaret Shalley for Ke Yao. Ordered by Magistrate Judge Peggy Kuo on 5/20/2016. (Sica, Michele) (Entered: 05/23/2016)
05/23/2016	<u>2</u>	15	Minute Entry for proceedings held before Magistrate Judge Peggy Kuo: For an Arraignment as to Ke Yao (1) Count Complaint held on 5/23/2016, Attorney Appointment Hearing as to Ke Yao held on 5/23/2016, Initial Appearance in Rule 5(c)(3) Proceedings as to Ke Yao held on 5/23/2016 Appearance entered by Margaret M. Shalley for Ke Yao on behalf of defendant. AUSA David Kessler present. Mandarin Interpreter present Patsy Ong. Removal proceeding to the District of Maryland hearing held. Removal hearing waived. Bond set at \$50,000. The Defendant was released on \$50,000. The defendant was advised of bond conditions and signed the bond. 1 surety was sworn and advised of bond obligations and signed the bond. 1 additional surety to co-sign the bond by 5/26/2016. (Tape #3:15-3:30.) (Sica, Michele) (Entered: 05/23/2016)

JAP:DKK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

16-481M

UNITED STATES OF AMERICA

- against -

REMOVAL TO
THE DISTRICT
OF MARYLAND

KE YAO,

Fed. R. Crim. P. 5

Defendant.

-----X

EASTERN DISTRICT OF NEW YORK, SS:

SUSAN J. RUIZ, being duly sworn, deposes and states that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), duly appointed according to law and acting as such.

On or about May 5, 2015, an arrest warrant was issued by the United States District Court for the District of Maryland commanding the arrest of the defendant KE YAO for wire fraud, in violation of 18 U.S.C. § 1343.

The source of your deponent’s information and the grounds for her belief are as follows:¹

1. I am a Special Agent with HSI who works out of the Special Agent in Charge Office in New York, New York.
2. On or about May 5, 2016, an arrest warrant was issued by the United States District Court for the District of Maryland based on an indictment that charges the

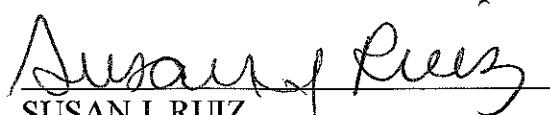
¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

defendant KE YAO with wire fraud, in violation of 18 U.S.C. § 1343. Copies of the arrest warrant and the indictment are attached hereto.

3. On or about May 16, 2016, I was alerted that the defendant KE YAO had purchased a one-way ticket from JFK International Airport (“JFK”) to China and was scheduled to depart on May 19, 2016.

4. On or about May 19, 2016, HSI agents went to JFK and located an individual named Ke Yao, who was attempting to check in for his flight to China. The agents compared the appearance of the individual checking in to his flight with a photograph of the defendant KE YAO that had been provided by the United States Attorney’s Office in the District of Maryland. The two individuals appeared to be the same. The agents showed the individual the warrant issued in the District of Maryland for the defendant KE YAO, and the individual confirmed that he is the defendant KE YAO sought by the warrant.

WHEREFORE, your deponent respectfully requests that the defendant KE YAO be removed to the District of Maryland so that he may be dealt with according to law.


 SUSAN J. RUIZ
 Special Agent
 United States Department of Homeland Security,
 Homeland Security Investigations

Sworn to before me this
 20th day of May, 2016

T S J KUO
 U
 E

KUO
JUDGE
NEW YORK

U.S. MARSHAL
BALTIMORE, MD
AO 442 (Rev. 01/09) Arrest Warrant

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2016 MAY -6 AM 9:32

2016 MAY -5 PM 4:40

UNITED STATES DISTRICT COURT

for the
District of Maryland

CLERK'S OFFICE
AT BALTIMORE

BY M DEPUTY

United States of America

v.

KE YAO

)
)
)
)
)
)
Case No. MJG-16-0222

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) KE YAO

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

The defendant did knowingly and intentionally participate in a wire fraud scheme to defraud the State of New York and City of New York of taxes in violation of 18 U.S.C. 1343.

Date: May 5, 2016
4:00 p.m.

William Connelly
Issuing officer's signature

City and state: Baltimore, Maryland

Hon. William Connelly, United States Magistrate Judge
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

AO 442 (Rev. 01/09) Arrest Warrant (Page 2)

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: KE YAO

Known aliases: _____

Last known residence: 153-08 58th Street, Flushing, New York 11355

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: 07/27/1986

Social Security number: _____

Height: _____

Weight: _____

Sex: Male

Race: Chinese

Hair: _____

Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: HSI S/A Steve Snyder, (443) 801-0800

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable):
N/A

Date of last contact with pretrial services or probation officer (if applicable): N/A

5/14/2016

RCK/DJB: USA02015R00070

U.S. MARSHAL
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2015 MAY -6 AM 9:32
CLERK'S OFFICE
AT BALTIMORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

KE YAO,

Defendants

* *W* DEPUTY

* CRIMINAL NO. *WJG-16-0222*

* (Wire Fraud, 18 U.S.C. § 1343; Aiding
* and Abetting, 18 U.S.C. § 2;
* Forfeiture, 18 U.S.C. § 981, 21 U.S.C. §
* 853, 28 U.S.C. § 2461)

INDICTMENT

COUNT ONE

The Grand Jury for the District of Maryland charges that, at all times relevant to this

Indictment:

Introduction

1. Vlamis Liquors was a licensed retail store selling wine and distilled spirits ("liquor") located in Elkton, Cecil County, Maryland.
2. Maryland and New York operated under a three-tier system of liquor distribution, in which Tier One, the distillers and suppliers of alcoholic beverages, sells to Tier Two, the licensed wholesalers, which, in turn, sells to Tier Three, the licensed retailers, such as liquor stores, bars, and restaurants, that in turn sell to individual consumers. New York wholesalers sold to New York retailers, and Maryland wholesalers sold to Maryland retailers.
3. The Maryland state excise tax rate for liquor distributed in Maryland was approximately \$1.50 per gallon. An excise tax applies to the sale of a specific product; it is an indirect tax that is paid by a wholesaler and passed on to the consumer as a part of the liquor's

price. State law required that excise taxes were to be paid to the State of Maryland Office of the Comptroller by the wholesale distributor.

4. The New York rate of excise tax for the distribution of liquor in New York was approximately \$6.44 per gallon for the State, and an additional \$1.00 per gallon for the distribution of liquor in New York City, for a total of approximately \$7.44 per gallon. State law required that excise taxes were to be paid to the State of New York by the wholesale distributor.

5. Any wholesaler transferring or moving liquor into New York for eventual retail sale was required by law (a) to register with the State of New York, and (b) to provide monthly reports of the quantities of liquor shipped into the State of New York for retail sale. The reports were used to enforce and to collect New York State and New York City excise taxes.

6. KE YAO and others ("the smugglers") were wholesale purchasers, importers, and distributors of liquor who resided in the New York City metropolitan area and who purchased liquor outside the State of New York to avoid paying the state excise tax on liquor.

The Scheme to Defraud

7. From at least in or about November 2013 through January 2015, in the District of Maryland, and elsewhere, the defendant,

KE YAO

along with others known and unknown to the Grand Jury, did knowingly devise a scheme and artifice to defraud and to obtain money by avoiding New York State and New York City excise taxes on liquor, by means of materially false and fraudulent pretenses, representations, and promises, and in furtherance thereof, used interstate wires, all as set forth below ("the scheme to defraud").

U.S. MARSHAL
BALTIMORE, MD

Manner and Means of the Scheme to Defraud 2016 MAY -6 AM 9:32

8. It was part of the scheme to defraud that KE YAO had contacts with a number of retail liquor stores in New York City, and that KE YAO routinely took bulk orders for liquor from these contacts.

9. It was further part of the scheme to defraud that KE YAO routinely sent text messages from New York, using his cellular telephone, to managers at Vlamis Liquors, which was located in Elkton, Maryland. During these messages, KE YAO placed orders for liquor in bulk quantities from Vlamis Liquors sufficient to fill the orders from his New York retail contacts.

10. It was further part of the scheme to defraud that, shortly after he had placed an order with Vlamis Liquors, KE YAO drove from New York to Cecil County, Maryland, paid cash for the bulk liquor, and loaded the liquor into his vehicle.

11. It was further part of the scheme to defraud that KE YAO, and other smugglers of liquor, concealed their transportation of the liquor from the State of New York, with the intent to evade applicable New York excise taxes, by (a) failing to register as an importer or distributor of liquor with the State of New York, and (b) failing to file with the State of New York reports describing the transportation of the liquor from Vlamis Liquors to New York City as required by New York law.

12. It was further part of the scheme and artifice to defraud that KE YAO, and other smugglers of liquor, delivered the liquor that was purchased in Maryland to the retail stores in New York City that had earlier given KE YAO liquor orders, without paying the New York excise taxes on that liquor.

Execution of the Scheme to Defraud

13. On or about October 14, 2014, in the District of Maryland and elsewhere, the defendant,

KE YAO,

for the purpose of executing and attempting to execute the scheme to defraud, and attempting to do so, did knowingly cause to be transmitted in interstate commerce by means of wire communications certain signals, signs, and sounds, a text message from his cellular telephone to an employee of Vlamis Liquors in which he discussed purchasing liquor from Vlamis Liquors.

18 U.S.C. § 1343

18 U.S.C. § 2

U.S. MARSHAL
BALTIMORE, MD

FORFEITURE

2016 MAY -6 AM 9:32

1. The allegations contained in Count One of this Indictment are incorporated here for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Sections 1343 set forth in Count One of this Indictment, the defendant,

KE YAO

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, a money judgment in the amount of \$324,000.

SUBSTITUTE ASSETS

4. If any of the funds described in this indictment as being subject to forfeiture, as a result of any act or omission of the defendant,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

18 U.S.C. § 981
21 U.S.C. § 853
28 U.S.C. § 2461

Rod J. Rosenstein /JRB
Rod J. Rosenstein
United States Attorney

A TRUE BILL:

[Signature]
Foreperson

5-5-16
Date

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

By: Complaint Information Indictment Name of District Court, (City)
Baltimore, Maryland
Northern Division

Offense Charged

Wire fraud, aiding and abetting

Petty
 Misdemeanor
 Felony

Defendant - U.S. vs.

KE YAO

Address: 153-08 58th Street, Flushing, NY 11355Birth date: *
7/27/1986

Male/Female: M

Alien (Y/N): Y -
permanent legal
resident

Place of offense: Cecil County

U.S.C. Citation
18 U.S.C. §1343

* (Optional unless a juvenile)

Proceeding

Defendant

Name of Complainant Agency, Agent & Phone#

SA Steve Snyder, HIS - (443) 801-0800

Person is awaiting trial in another Federal or State Court, give name of court:

This person/proceeding is transferred from another district per:

 FRCrP 20 21 40 Show District

this is a re-prosecution of charges previously dismissed which were dismissed on motion of: Show Docket #

 U.S. Attorney Defense

this prosecution relates to a pending case # 15-0080 (TJS) involving this same defendant

prior proceeding or appearances before U.S. Magistrate Judge regarding this defendant were recorded under

Magistrate #

15-0080 (TJS)

Name & Office of Person furnishing information on this form

Rod J. Rosenstein
U.S. Attorney

Name of Asst. U.S. Att'y

Richard C. Kay



Phone Number:

410-209-4850

FOR USE OF THE CLERK'S OFFICE

Additional Information or comments:

Maximum Penalty: 20 yrs; 3 yrs S.R.; \$250,000 fine.

Date of offense: Nov. 2013-Jan. 2015

Length of Trial: Two days

HIDTA
CASE: Yes NoOCDETF
CASE: Yes No

MIME-Version:1.0
From:ecf_bounces@nyed.uscourts.gov
To:nobody@nyed.uscourts.gov
Bcc:
--Case Participants: Magistrate Judge Peggy Kuo (claudia_riquelme@nyed.uscourts.gov, max_shterngel@nyed.uscourts.gov, peggy_kuo@nyed.uscourts.gov, shira_feldman@nyed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:10770971@nyed.uscourts.gov
Subject:Activity in Case 1:16-mj-00481-PK USA v. Yao Arrest - Rule 40
Content-Type: text/html

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 5/23/2016 at 10:25 AM EDT and filed on 5/20/2016

Case Name: USA v. Yao

Case Number: 1:16-mj-00481-PK

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 40) of Ke Yao (Sica, Michele)

1:16-mj-00481-PK-1 Notice has been electronically mailed to:

1:16-mj-00481-PK-1 Notice will not be electronically mailed to:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

INITIAL APPEARANCE CALENDAR

1) Magistrate Case Number: 16M 481

2) Defendant's Name: Yao Ke
(Last) (First) (M.I.)

3) Age: _____

4) Title: _____ Section(s): _____

5) Citizen of: _____ Needs: _____ Interpreter: _____

6) Arrest Warrant Issued: _____ Date and time of arrest: _____

(Items 1-6 to be completed by AUSA/Arresting Officer)

7) Removal Proceeding: Yes No Other District: Maryland

8) Name of Interpreter used today: Patsy Ong Language: Mandarin

9) Arraignment on complaint held: Yes No Date/Time: 5/20/16

10) Detention Hearing Held: Bail set at: \$50,000 ROR Entered: POD Entered:

11) Temporary Order of Detention Entered: Bail Hearing set for: _____

12) (a) Preliminary Hearing set for: _____; or waived: _____
 (b) Removal Hearing set for: _____; or waived:
 (c) Status Conference set for: _____

13) ASSISTANT U.S. ATTORNEY: David Kessler

14) DEFENSE COUNSEL'S NAME: Margaret Shalley
 Address: _____
 Bar Code: _____ CJA: FDNY: RET:
 Telephone Number: (_____) _____

15) LOG #: 3-15-3-30 MAG. JUDGE: Kuo

16) Defendant was advised of bond conditions by the Court and signed the bond.
 Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
 Additional surety (ies) to co-sign bond by 5/26/2016

Other Comments/Rulings: _____

17) Complaint/Affidavit/Indictment unsealed: Yes No

SO ORDERED ON THIS _____ DAY OF _____, 20____.

CJA 23
(Rev. 11/11)

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES DISTRICT COURT COURT OF APPEALS OTHER (Specify below)
IN THE CASE OF

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

KE YAO

CHARGE/OFFENSE (describe if applicable & check box →)

 Felony Misdemeanor

18 U.S.C. 1343 WIRE FRAUD

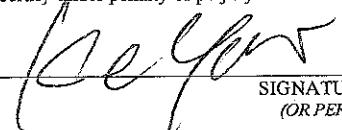
1 Defendant - Adult
 2 Defendant - Juvenile
 3 Appellant
 4 Probation Violator
 5 Supervised Release Violator
 6 Habeas Petitioner
 7 2255 Petitioner
 8 Material Witness
 9 Other (Specify) _____

DOCKET NUMBERS
Magistrate Judge
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed				
	Name and address of employer: _____				
	IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment? APRIL 2016 How much did you earn per month? \$ 3000				
INCOME & ASSETS	If married, is your spouse employed? N/A <input type="checkbox"/> Yes <input type="checkbox"/> No				
	IF YES, how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____				
	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
OTHER INCOME	RECEIVED SOURCES				
	IF YES, give the amount \$ _____ received and identify the sources \$ _____				
CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ 12,000				
	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
PROP- ERTY	VALUE DESCRIPTION				
	IF YES, give value and description for each \$ _____ \$ _____ \$ _____				
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single Married Widowed Separated or Divorced	Total No. of Dependents 0	List persons you actually support and your relationship to them GIRLFRIEND - PREGNANT	
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION CREDIT CARDS		TOTAL DEBT \$ 5,000	MONTHLY PAYMENT \$ 2,000
				\$ _____	\$ _____

I certify under penalty of perjury that the foregoing is true and correct.


 SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

5/20/16

Date

USCA16
5/20/16

UNITED STATES OF AMERICA

V.

Ke Yao

, Defendant.

**ORDER SETTING CONDITIONS OF RELEASE
AND APPEARANCE BOND**

Case Number:

16-481m

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or
 Upon **Bond** executed by the defendant in the amount of \$ 100,000.00, and
secured by financially responsible sureties listed below and/or collateral set forth below.

Additional Conditions of Release

\$ 50,000.00

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

[] 1. The defendant must remain in and may not leave the following areas without Court permission: [] New York City; [] Long Island, NY; [] New York State; [] New Jersey; [] District of Columbia and travel to and from this Court and the permitted areas.

[] 2. The defendant must avoid all contact with the following persons or entities: _____

[] 3. The defendant must avoid and not go to any of the following locations: _____

[] 4. The defendant must surrender all passports to Pretrial Services by _____ and not obtain other passports or international travel documents.

[] 5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:

[] a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;

[] b. must report [] as directed by Pretrial Services or [] in person _____ times per _____ and/or [] by telephone _____ times per _____.

[] c. must undergo [] testing, [] evaluation and/or [] treatment for substance abuse, including alcoholism, as directed by Pretrial Services.

[] d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.

[] e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:

[] home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;

[] home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, [] religious services, [] employment, [] school or training, [] other activities approved by Pretrial Services, [] _____

[] curfew: restricted to home every day from 8pm to 8am, or [] as directed by Pretrial Services.

[] Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/or from available insurance.

[] 6. Other Conditions: Maintain Address as Approved by Pretrial Services - See

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ _____ and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

[] cash deposited in the Registry of the Court in the sum of \$ _____;
[] premises located at _____ owned by _____
[] I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

~~RECEIVED~~ APR 11, 1968 Address:
KUNASHEK, Inc. Surety

43-46 UNION ST. 6M, FLUSHING, NY, 11355 05/20/16

Address:

Adaptation

I understand in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth in this form.

erred on May 20 2016

Signature of Defendant

U.S. AIR FORCE

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

United States of America

v.

Ke Yao

Defendant

) Case No. 16-481M

) Charging District's Case No.

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the (*name of other court*) Maryland

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

an identity hearing and production of the warrant.

a preliminary hearing.

a detention hearing.

an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

5/20/16

Ke Yao

Defendant's signature

Mary Hall

Signature of defendant's attorney

Margaret M Shulleg

Printed name of defendant's attorney

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (REV. 3/99)																																																																																																																																																																																																		
1. CIR./DIST./ DIV. CODE EDNY	2. PERSON REPRESENTED Ke Yao		VOUCHER NUMBER																																																																																																																																																																																															
3. MAG. DKT./DEF. NUMBER 16-481M		4. DIST. DKT./DEF. NUMBER	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER																																																																																																																																																																																														
7. IN CASE/MATTER OF (Case Name) USA V. Yao		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE (See Instructions) CC																																																																																																																																																																																														
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense.																																																																																																																																																																																																		
18 USC 1343																																																																																																																																																																																																		
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS MARGARET SHALLEY 225 BROADWAY SUITE 715 NEW YORK, NY 10007 Telephone Number: 212-566-6212		13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)  Signature of Presiding Judicial Officer or By Order of the Court																																																																																																																																																																																																
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)		5/20/16 5/20/16 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO																																																																																																																																																																																																
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